

1 Rule 20. Qualifications for admission of house counsel applicants.

2 Rule 20-1. Scope of practice. An attorney admitted to the Bar as House Counsel
3 shall limit his or her practice of law including legal representation only to the business of
4 his or her employer. House Counsel shall not:

5 (a) Appear before a court of record or not of record as an attorney or counselor in
6 the State of Utah except as otherwise authorized by law or rule; or

7 (b) Offer legal services or advice to the public or hold himself or herself out as being
8 so engaged or authorized, except as permitted under Rule 5.5 of the Utah Rules of
9 Professional Conduct. An attorney granted a House Counsel license is not prevented
10 from appearing in any matter pro se or from fulfilling the duties of a member of the
11 active or reserve components of the armed forces or the National Guard.

12 Rule 20-2. Requirements of house counsel applicants. To be recommended for
13 admission to the Bar as House Counsel, a person must establish by clear and
14 convincing evidence that he or she meets each of the following requirements:

15 (a) Filed with the Admissions Office a Complete Application for admission to the Bar
16 and paid the prescribed application fee;

17 (b) Be at least twenty-one years old;

18 (c) Graduated with a first professional degree in law (Juris Doctorate or Bachelor of
19 Laws) from an Approved Law School;

20 (d) Be licensed to practice law and in active status in a sister state or United States
21 territory or the District of Columbia;

22 (e) Either (1) be a bona fide resident of the State of Utah or (2) maintain an office as
23 the employer's House Counsel within the State of Utah;

24 (f) Be employed and practice law exclusively as House Counsel for a corporation, its
25 subsidiaries or affiliates, an association, a business, or other legal entity whose lawful
26 business consists of activities other than the practice of law or the provision of legal
27 services;

28 (g) Provide an affidavit signed by both the Applicant and the employer that the
29 Applicant is employed exclusively as House Counsel and that Applicant has disclosed
30 to the employer the limitations on House Counsel's license of practicing under this rule;

31 (h) Be of good moral character and have satisfied the requirements of Rule 8;

(i) Present satisfactory proof of both admission to the practice of law and that he or she is a member in good standing in all jurisdictions where currently admitted;

(j) File with the application a certificate from the entity having authority over professional discipline for each jurisdiction where the Applicant is licensed to practice which certifies that the Applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter; and

(k) Complied with the oath and enrollment provisions of Rule 16 and paid the licensing fees required for active status.

Rule 20-3. Application. An Applicant requesting a license to serve as House Counsel must file a Complete Application for admission.

(a) An application under this rule may be filed at any time.

(b) The processing time of a House Counsel application is approximately 90 to 180 days.

(c) Applicants must meet all House Counsel admission requirements in accordance with Rule 20-2.

(d) Upon approval by the Board of an application, the Applicant will be admitted in accordance with Rule 16-2.

Rule 20-4. Unauthorized practice of law.

(a) It is the unauthorized practice of law for an attorney not licensed in Utah to practice law in the state except as otherwise provided by law.

(b) An attorney who complies with the requirements of Rule 20-2(a) may provide services to an employer in Utah while the application is pending as long as the application is filed within six months of the out-of-state attorney establishing an office or residence in Utah.

(c) No attorney who is not a member of the Bar and is acting as an attorney in Utah for an employer shall be denied a House Counsel license solely because of the attorney's prior failure to seek admission to the Bar, provided that an application pursuant to this rule is filed within one year of the Court's adoption of this rule.

(d) After the one-year enrollment period referred to in Rule 20-4(c), an attorney who provides legal advice to his or her employer but is not an active member of the Bar or

62 licensed as a House Counsel pursuant to this rule may be referred for investigation for
63 the unauthorized practice of law.

64 Rule 20-5. Continuing legal education requirement. House Counsel shall:

65 (a) File with the Board of Mandatory Continuing Legal Education ("MCLE Board"), by
66 January 31 of each year, a Certificate of Compliance from the jurisdiction where House
67 Counsel maintains an active license establishing that he or she has completed the
68 hours of continuing legal education required of active attorneys in the jurisdiction where
69 House Counsel is licensed; and

70 (b) Pay the designated filing fee at the time of filing the Certificate of Compliance. A
71 House Counsel admitted under this rule who fails to comply with the CLE filing
72 requirement by the January 31 deadline shall be assessed a late fee. Any House
73 Counsel who fails to file within thirty (30) calendar days of the January 31 deadline may
74 be subject to suspension and a reinstatement fee.

75 Rule 20-6. Applicable regulations. House Counsel is subject to and must comply
76 with the Utah Rules of Professional Conduct, the Rules Governing Admission to the
77 Utah State Bar, the Rules for Integration and Management of the Utah State Bar, the
78 Rules of Lawyer Discipline and Disability, and all other rules and regulations governing
79 the conduct and discipline of members of the Bar.

80 Rule. 20-7. Discipline. House Counsel is subject to professional discipline in the
81 same manner and to the same extent as a member of the Bar. Every person licensed
82 under this rule is subject to control by the courts of the State of Utah and to censure,
83 suspension, removal, or revocation of his or her license to practice as House Counsel in
84 Utah regardless of where the conduct occurs.

85 Rule 20-8. Notification of change in standing.

86 (a) House Counsel shall execute and file with the Licensing Office a written notice of
87 any change in that person's membership status, good standing or authorization to
88 practice law in any jurisdiction where licensed.

89 (b) House Counsel shall execute and file with the Office of Professional Conduct a
90 written notice of the commencement of all formal disciplinary proceedings and of all final
91 disciplinary actions taken in any other jurisdiction.

92 Rule 20-9. No Solicitation.

House Counsel is not authorized by anything in this rule to hold out to the public or otherwise solicit, advertise, or represent that he or she is available to assist in representing the public in legal matters in Utah.

Rule 20-10. Cessation of activity as house counsel. A House Counsel license terminates and the House Counsel shall immediately cease performing all services under this rule and shall cease holding himself or herself out as House Counsel upon:

(a) Termination of employment with the qualified employer as provided in Rule 20-2(f);

(b) Termination of residence, or the maintenance of his or her office in the State of Utah as provided in Rule 20-2(e);

(c) Failure to maintain active status in a sister state or United States territory or the District of Columbia, or to satisfy the Bar's annual licensing requirements, including compliance with mandatory continuing legal education requirements as provided for in this rule;

(d) Completion of any disciplinary proceeding in Utah or any other jurisdiction, which warrants suspension or termination of the House Counsel license; or

(e) An attorney who seeks admission to practice in this state as House Counsel and who previously had a Utah House Counsel license that was terminated due to a disciplinary proceeding pursuant to Rule 20-10(d) or whose license was terminated for a period longer than six months pursuant to Rule 20-10(a), (b) and/or (c) must file a new application under this rule.

Rule 20-11. Reinstatement after temporary lapse in license. An attorney whose House Counsel license is terminated pursuant to Rule 20-10(a), (b) and/or (c) shall be reinstated to practice law as a House Counsel if within six months from the termination the attorney is able to demonstrate to the Admissions Office that he or she has:

(a) Employment with a qualified employer and has provided the required verification of employment pursuant to Rule 20-2(g) of this rule;

(b) Established a residence or maintains an office for the practice of law as House Counsel for the employer within the State of Utah; and/or

(c) Active status in a sister state or United States territory or the District of Columbia and has complied with the Bar's annual licensing requirements for House Counsel.

Rule 20-12. Notice of change of employment. House Counsel shall notify, in writing, the Licensing Office of the termination of the employment pursuant to which the House Counsel license was issued.

Rule 20-13. Full admission to the Utah State Bar. A House Counsel license will be terminated automatically once the attorney has been otherwise admitted to the practice of law in Utah as an active member of the Bar. Any person who has been issued a House Counsel license may qualify for full membership by establishing by clear and convincing evidence that he or she meets the following requirements:

(a) Filed a complete written request for a change of status with the Admissions Office in accordance with the filing deadlines set forth in Rule 7-2. The request for a change of status must include:

(a)(1) A Reapplication for Admission form updating the information provided in the original application, including payment of the prescribed application fee. If the original application for admission is more than two (2) years old, a new Complete Application for admission must be filed;

(a)(2) A criminal background check dated no more than 180 days prior to the filing of the change of status request;

(a)(3) Satisfactory proof of both admission to the practice of law and that House Counsel is a member in good standing in all jurisdictions where admitted; and

(a)(4) A certificate from the entity having authority over professional discipline for each jurisdiction where House Counsel is licensed to practice which certifies that House Counsel is not currently subject to lawyer discipline or the subject of a pending disciplinary matter.

(b) Be of good moral character and have satisfied the requirements of Rule 8;

(c) Successfully passed the Bar Examination as prescribed in Rule 10;

(d) Successfully passed the MPRE as prescribed in Rule 13; and

(e) Complied with the provisions of Rule 16 concerning licensing and enrollment fees.